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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,634	03/23/2001	Roni Koren	CD-1	7112

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EXAMINER

KARMIS, STEFANOS

ART UNIT PAPER NUMBER

3691

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/816,634

Applicant(s)

KOREN, RONI

Examiner

Stefano Karmis

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-174 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-174 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 16 September 2006.

Status of Claims

2. Claims 1, 59, 71, 91, 108 and 117 are currently amended. Claims 1-174 are currently pending.

Response to Arguments

3. Applicant's arguments filed 16 September 2006 have been fully considered but they are not persuasive as discussed below. Therefore claims 1-174 stand rejected and Applicant's request for allowance is respectfully declined.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1-3, 5, 6, 8-14, 16, 17, 20-23, 25, 26, 28-34, 36, 37, 40-43, 45-51, 53, 54, 57-61, 63, 64, 66-72, 74, 75, 78-81, 83, 84, 86-92, 94, 95, 98-101, 103-109, 111, 112, 115-119, 121, 122, 124-130, 132, 133, 136-139, 141, 142, 144-150, 152, 153, 156-159, 161-167, 169, 170, 173 and 174 are rejected under 35 U.S.C. 102(e) as being anticipated by Shimada et al. (hereinafter Shimada) U.S. Patent 6,396,919.

6. Claims 1-3, 5, 6, 8-14, 16, 17, 20-23, 25, 26, 28-34, 36, 37, 40-43, 45-51, 53, 54, 57-61, 63, 64, 66-72, 74, 75, 78-81, 83, 84, 86-92, 94, 95, 98-101, 103-109, 111, 112, 115-119, 121, 122, 124-130, 132, 133, 136-139, 141, 142, 144-150, 152, 153, 156-159, 161-167, 169, 170, 173 and 174 were previously rejected under 35 U.S.C. 102(e) as being anticipated by Shimada et al. (hereinafter Shimada) U.S. Patent 6,396,919. Regarding claims 1, 59 and 117, Applicant argues that Shimada fails to disclose “assigning to said at least one available transaction a transaction code to be publicized separately from a communication where the transaction code is accepted.” The Examiner respectfully disagrees. Shimada discloses that the transaction code is publicized in the memory unit and the display unit (column 15, line 45 thru column 16, line 4 and Figure 3 and 16). Shimada discloses that the transaction code is accepted in the input unit (column 16, line 19-30 and Figure 3 and Figure 16). Therefore the transaction code is publicized separately from where it is accepted. Applicant’s remarks provide examples from the specification to show certain features of applicant’s invention, but the features upon which applicant relies (i.e., publishing transaction codes on TVs, magazines, etc.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.

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1993). Claims are given their broadest reasonable interpretation and therefore, claims 1, 59 and 117 are anticipated by Shimada. Remaining claims are rejected based on their dependency as stated in the previous office action.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 7, 15, 18, 19, 24, 27, 35, 38, 39, 44, 52, 55, 56, 62, 65, 73, 76, 77, 82, 85, 96, 96, 97, 102, 110, 113, 114, 120, 123, 131, 134, 135, 140, 143, 151, 154, 155, 160, 168, 171 and 172 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimada et al. (hereinafter Shimada) U.S. Patent 6,396,919.

Claims 4, 7, 15, 18, 19, 24, 27, 35, 38, 39, 44, 52, 55, 56, 62, 65, 73, 76, 77, 82, 85, 96, 96, 97, 102, 110, 113, 114, 120, 123, 131, 134, 135, 140, 143, 151, 154, 155, 160, 168, 171 and 172 were previously rejected under 35 U.S.C. 103(a) as being unpatentable over Shimada et al. (hereinafter Shimada) U.S. Patent 6,396,919. Applicant challenged the Official Notice taken by the Examiner. Therefore the Examiner has provided support for the Official Notice below.

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Regarding claims 4, 15, 24, 35, 52, 62, 73, 82, 93, 110, 120, 131, 143, 151 and 168, Official Notice was taken that communication over a wireless phone is old and well known in the financial arts. U.S. Patent 6,356,752 to Griffith teaches a wireless telephone as a transaction device.

Regarding claims 7, 27, 44, 65, 85, 102, 123, 143 and 160, Official Notice was taken that an address used as shipping information is old and well known in the art. U.S. Patent 6,212,262 is a method for performing automatic sales transactions in an advertiser-sponsored telephony system in which a shipping address is used to designate where advertised items are to be delivered.

Regarding claims 18, 19, 38, 39, 55, 56, 76, 77, 96, 97, 113, 114, 134, 135, 154, 155, 171 and 172, Shimada teaches registering a user in the system. Official Notice was taken that registering a vendor is old and well known in the financial arts. U.S. Patent 6,212,262 teaches transactions between customers and merchants where merchants register with the transaction system.

For these reasons, claims 1-174 stand rejected and Applicant's request for allowance is respectfully declined.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted
Stefano Karmis
27 November 2006



HANI M. KAZIMI
PRIMARY EXAMINER